## IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

GRETCHEN S. STUART, M.D., et al.,	)
Plaintiffs,	) Case No. 1:11-cv-00804
v.	DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
RALPH LOOMIS, M.D., et al.,	)
Defendants.	)

PURSUANT to Fed. R. Civ. P. 56, Defendants, by and through undersigned counsel, respectfully move for summary judgment on the grounds that there is no genuine issue as to any material fact and Defendants are entitled to judgment as a matter of law on Plaintiffs' claims in this case.

In support of their motion, Defendants rely on the following evidence: (1) pleadings in the case [Docket 102-1 & 104]; (2) Declarations submitted by the Respondent-Intervenors [Docket 45-1 through 45-6]; and (3) Affidavit of Watson Bowes, M.D. (Exhibit 1). In addition, Defendants file their memorandum of law in support of this motion concurrently with the motion.

WHEREFORE, Defendants respectfully request that the Court:

- 1. Grant their Motion for Summary Judgment;
- 2. Enter judgment for Defendants in this action on all of Plaintiffs' claims; and
- 3. Grant Defendants such other relief as may be appropriate.

## Respectfully submitted, this the 3rd day of October, 2012.

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## **CERTIFICATE OF SERVICE**

This is to certify that, on the 3<sup>rd</sup> day of October, 2012, the foregoing **MOTION FOR SUMMARY JUDGMENT** was electronically filed with the Office of the Clerk of Court of the United States District Court for the Middle District of North Carolina using the CM/ECF system, which will automatically send notification of such filing to all registered CM/ECF participants.

/s/ Stephanie A. Brennan
Stephanie A. Brennan
Assistant Attorney General